

Joint Standing Committee on Labor

LD 25

**An Act to Establish the Administrative Operating Budget for the
Maine State Retirement System for the Fiscal Year Ending June 30,
2002**

**P & S 4
EMERGENCY**

Sponsor(s)

Committee Report
OTP

Amendments Adopted

LD 25 presented the Maine State Retirement System's operating budget for fiscal year 2001-02 to the Legislature for approval as required by law. Section 1 of the bill identifies the retirement system's personal services costs and its costs for all other operating expenses. Section 2, provided for information purposes, attributes expenses of the system to 3 categories: General Fund, Non-General Fund and Participating Local Districts.

Enacted law summary

Since July 1, 1993, the Maine State Retirement System has been required by statute to present its annual administrative operating budget to the Legislature for approval. Private and Special Law 2001, chapter 4 establishes the system's annual administrative operating budget for fiscal year 2001-02 in the amount of \$9,053,246.

Private and Special Law 2001, chapter 4 was enacted as an emergency measure effective July 1, 2001.

LD 41

An Act Relating to Employment Contracts

ONTP

Sponsor(s)

BRYANT
MICHAUD MH

Committee Report
ONTP

Amendments Adopted

LD 41 proposed to invalidate a contract that prevents an employer from rehiring employees displaced during a labor dispute and from removing workers who were hired to replace those employees. It proposed to specify that no cause of action lies in state courts to require an employer to retain an employee or employees hired to replace workers who participate in a labor dispute.

LD 57

**An Act to Require That Certain Employees Be Paid on a Weekly
Basis**

ONTP

Sponsor(s)

TWOMEY

Committee Report

ONTP MAJ
OTP-AM MIN

Amendments Adopted

LD 57 proposed to reenact the law repealed in 1999, which required that certain employees be paid on a weekly basis.

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LD 62

**An Act to Create a Uniform Standard Governing Legislative
Leaves of Absence**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	ONTP	

LD 62 proposed to establish a uniform rule regarding leaves of absence to serve as a legislator that would apply to all employees in the State. Under current law, employers, except school units, with more than 5 employees are required to grant an employee a leave of absence so that employee may serve as a Legislator for a single 2-year legislative term. After that 2-year term of service, the employer is not obligated to provide an additional leave of absence for successive terms. School units are obligated to provide leaves of absence for a school teacher who is a Legislator, and there is no limit on the number of terms for which the leaves must be granted. The bill proposed to treat teachers like other employees for purposes of legislative leaves of absence.

LD 83

**An Act to Ban Permanent Replacement Workers in a Labor
Dispute**

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP MAJ	
EDMONDS	ONTP MIN	

LD 83 proposed to repeal the provisions in current law that attempt to restrict an employer's right to hire replacement workers during a labor dispute. Superior Court Chief Justice Morton A. Brody declared those provisions were preempted by the National Labor Relations Act in 1989. The bill proposed to retain only those provisions that relate directly to deterrence of violence during a labor dispute.

The bill also proposed to require that a contract between an employer and replacement workers must provide that when the strike is settled or if the employees offer unconditionally to return to work the replacement workers will not be retained in preference to the strikers.

LD 96

An Act to Extend the Hours that a Minor May Be Employed

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL	ONTP	
MITCHELL B		

LD 96 proposed to extend until 9 p.m. the time until which a minor under 16 years of age may work during the school year.

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LD 98

An Act to Increase the Limit on Earnings for Beneficiaries of Disability Retirement Benefits

**PUBLIC 443
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E KILKELLY	OTP-AM	H-133

LD 98 proposed to increase from \$10,000 to \$15,000 the limit on compensation that may be earned by the beneficiary of a disability retirement benefit under the Maine State Retirement System without incurring a reduction in benefit during the following year.

Committee Amendment “A” (H-133) replaced the bill and proposed to raise from \$10,000 to \$20,000 the annual limit on earnings that a disability retiree under the Maine State Retirement System may earn without causing a deduction in the following year's benefits. The amendment also proposed to suspend under the applicable disability plan administered by the retirement system the permanent reduction in disability benefits due to a determination of increased capacity to earn based on review of a benefit recipient's actual earnings record. The proposed suspension would be retroactive for calendar years 1999 and 2000 and remain in effect until January 1, 2003. The temporary suspension would allow the retirement system and the Legislature to develop a permanent solution to disability benefit issues while alleviating the hardship imposed on recipients by current law. The amendment also added an emergency preamble, emergency clause and fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 443 increases from \$10,000 to \$20,000 the annual limit on earnings that a recipient of a disability retirement benefit under the Maine State Retirement System may earn without incurring a deduction from the following year's benefit payment. The \$10,000 limit was established and has not been updated since 1981. The law also suspends for one of the disability plans administered by the retirement system the permanent reduction in disability benefits due to a determination of increased capacity to earn based on a benefits recipient's actual earnings record. The suspension is retroactive for calendar years 1999 and 2000 and is effective until January 1, 2003. The temporary suspension will allow the retirement system and the Legislature to develop a permanent solution while alleviating the hardship imposed on recipients under the current law.

Public Law 2001, chapter 443 was enacted as an emergency measure effective June 27, 2001.

LD 121

An Act Raising the Minimum Wage

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT MARTIN	ONTP	

LD 121 proposed to raise the minimum wage to \$5.75 per hour starting January 1, 2002 and \$6.25 per hour starting January 1, 2003. It also proposed to increase the minimum wage for inflation every 3rd January and to send the bill to public referendum. See also LD 1247 and LD 1591.

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LD 152

An Act to Require the State to Pay Medicare Costs for Retired Employees, Retired Teachers and Retirees in Participating Local Districts

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER DAGGETT	OTP-AM	H-132

LD 152 proposed to require the State to pay Medicare Part B premiums for state retirees, retired teachers and retirees from participating local districts. The bill which was amended to add appropriations and allocation sections and a fiscal note was passed in the House but died on the Appropriations Table.

LD 196

An Act to Increase the Number of Members of the Board of Trustees of the Maine State Retirement System

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	ONTP MAJ OTP MIN	

LD 196 proposed to add one member to the Board of Trustees of the Maine State Retirement System, who would be selected from a list of 3 nominees submitted by the Maine Association of Retirees.

LD 979, a similar bill, was also reported ONTP by the committee.

LD 198

An Act to Provide Notice of Termination Status

PUBLIC 242

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT GAGNON	OTP-AM MAJ ONTP MIN	H-172

LD 198 proposed to require an employer to post in a conspicuous place the terms under which an employee may be terminated. The bill proposed to prohibit an employer from retaliating against an employee if the employee signs or files an affidavit, petition or complaint or gives information or testimony against the employer. The bill also proposed to require the Department of Labor to include the "at-will" employee notice in the next reprinting of the regulation of employment poster.

Committee Amendment "A" (H-172) proposed to replace the bill. It proposed to move to a more appropriate place in the statutes the law requiring the Department of Labor, Bureau of Labor Standards to produce and distribute posters or notices regarding regulation of employment, which all employers are required to post. It also proposed to add to the poster or notice language explaining that, unless covered by a collective bargaining

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agreement or other contract, employees are generally "at-will employees" and may be terminated from their jobs for any reason not specifically prohibited by law.

Enacted law summary

Public Law 2001, chapter 242 moves to a more appropriate place in the statutes the law requiring the Department of Labor, Bureau of Labor Standards to produce and distribute posters or notices regarding regulation of employment, which all employers are required to post. It also adds to the poster or notice language explaining that, unless covered by a collective bargaining agreement or other contract, employees are generally "at-will employees" and may be terminated from their jobs for any reason not specifically prohibited by law.

LD 237

**An Act Concerning Eligibility Requirements for State Employees,
Teachers and Participating Local District Employees to Purchase
Military Service Credit**

PUBLIC 114

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B WESTON	OTP-AM	S-61

LD 237 proposed to reduce from 15 to 5 the number of years of creditable service a state employee, teacher or participating local district employee who is a member of the Maine State Retirement System must have before the employee is eligible to purchase service credits for service in the Armed Forces of the United States. It also proposed to remove a requirement that members joining the state retirement system after January 1, 1976 have served in a federally recognized period of conflict to be eligible to purchase military service credits.

Committee Amendment "A" (S-61) proposed to strike the provisions of the bill and, thereby, retain the current law governing the purchase of military time for retirement credit by state employees, teachers and employees of participating local districts. Under current law, members of the Maine State Retirement System must have at least 15 of years creditable service, have served in a federally recognized period of conflict and have received a discharge other than a dishonorable discharge to be eligible to buy credit for up to 4 years of credit for their full-time military service. The amendment also proposed to provide an additional option allowing any member who doesn't have the required 15 years of creditable service or the necessary service during a recognized period of conflict or who lacks both to buy credit for military service by paying the actuarial cost of the portion of the retirement benefit based on the additional creditable service.

LD 268, which was similar to the original LD 237, was reported out favorably by the Legal and Veterans Affairs Committee but died on the Appropriations Table.

Enacted law summary

Public Law 2001, chapter 114 provides an additional option for state employees, teachers and participating local district employees wishing to purchase credit for military service performed prior to membership in the Maine State Retirement System. Chapter 114 allows any member who doesn't have the 15 years of creditable service or the necessary service during a federally recognized period of conflict required under current law or who lacks both to buy credit for up to 4 years of military service by paying the actuarial cost of the portion of the retirement benefit based on the additional creditable service.

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LD 253

**An Act to Amend the Law Pertaining to the Solvency of the
Unemployment Compensation Fund**

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CRESSEY	ONTP MAJ	
SHOREY	OTP-AM MIN	

LD 253 proposed to decrease the unemployment tax rate paid by a new employer for the first 2 years in which the employer is a contributing employer.

LD 280

**An Act Concerning Recordkeeping in Relation to Employment of
Minors**

PUBLIC 46

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUMPS	OTP-AM	H-36

LD 280 proposed to allow employers to disregard up to 5 minutes of time before and after each assigned work shift in determining whether a minor's work hours comply with the law.

Committee Amendment "A" (H-36) proposed to replace the bill. It proposed to provide an exception to the strict liability penalty for violations of child labor laws. It proposed to allow the Department of Labor, Bureau of Labor Standards to disregard de minimis violations of the laws defining what time a minor may begin and end work, how many hours may be worked each day and the maximum number of hours worked in a week. De minimis violations consist of up to 10 minutes per day or 50 minutes in a week. Knowing and intentional violations may not be disregarded.

Enacted law summary

Public Law 2001, chapter 46 provides an exception to the strict liability penalty for violations of child labor laws. It allows the Department of Labor, Bureau of Labor Standards to disregard de minimis violations of the laws defining what time a minor may begin and end work, how many hours may be worked each day and the maximum number of hours worked in a week. De minimis violations consist of up to 10 minutes per day or 50 minutes in a week. Knowing and intentional violations may not be disregarded.

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LD 297

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

**RESOLVE 49
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ ONTP MIN	S-266

LD 297 proposed to increase the cap on the Workers' Compensation Board's assessment by \$700,000 to provide additional funding necessary to maintain the current level of services provided by the board.

Committee Amendment "A" (S-266) proposed to replace the bill. It proposed to authorize the Workers' Compensation Board to use up to \$700,000 from its reserve account to fund expenses only in fiscal year 2001-2002. It also proposed to direct the Department of Administrative and Financial Services to administer a feasibility study of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in its operational structure and processes. The cost of the study, and of the committee formed to advise the Department, would be borne by the Workers' Compensation Board reserve account. Results of the study would be provided to the Legislature and the Workers' Compensation Board by December 15, 2001. The Joint Standing Committee on Labor would be authorized to report out any recommended legislation relating to the report to the Second Regular Session of the 120th Legislature.

Enacted law summary

Resolve 2001, chapter 49 directs the Department of Administrative and Financial Services to administer a feasibility study of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in its operational structure and processes. The Resolve authorizes the department to enter into contracts for consulting services to assist in carrying out the study and provides for funding of up to \$125,000 from the Workers' Compensation Board reserve account. The department is directed to consult with an advisory committee composed of members of the Legislature, the Workers' Compensation Board, the Department of Labor, the Department of Professional and Financial Regulation and the Governor's office and to report its findings to the Legislature and the Workers' Compensation Board by December 15, 2001. The Joint Standing Committee on Labor may report out any recommended legislation relating to the report of the Department of Administrative and Financial Services to the Second Regular Session of the 120th Legislature.

The Resolve also authorizes the Workers' Compensation Board to use up to \$700,000 from its reserve account to fund board expenses in fiscal year 2001-2002.

Resolve 2001, chapter 49 passed as an emergency measure effective June 8, 2001.

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LD 356

An Act to Adjust the Unemployment Compensation Fund Cap

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GLYNN	ONTP MAJ	
	OTP-AM MIN	

LD 356 proposed to change the cap on total employer contributions to the Unemployment Compensation Fund from 21 months of benefits to 14 months of benefits.

LD 373

An Act to Amend the Workers' Compensation Law as It Pertains to Employer-selected Health Care Providers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HATCH	ONTP	
EDMONDS		

LD 373 proposed to remove from the law the provision that gives an employer the right to select a health care provider for an injured employee for the first 10 days of health care under the workers' compensation laws.

LD 380

**An Act to Restore an Injured Employee's Right to Sue an Employer DIED BETWEEN
for Damages**

BODIES

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM MAJ	
	ONTP MIN	

LD 380 proposed to restore to an injured employee the right to sue his or her employer for damages if the injury is due to the gross negligence or illegal act of the employer. Any recovery would be in addition to that available to the employee under the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (H-525) proposed to replace the bill. Instead of allowing an injured employee to sue the employer outside the workers' compensation system, the amendment proposed to increase the percentage of wages payable as a benefit to an employee whose serious injury, disease or death was caused by a health hazard that constitutes a violation of the Occupational Safety and Health Act, provided the employer had notice of the hazard prior to the injury, disease or death. The percentage would be increased from 80% to 100% of after-tax wages.

House Amendment "A" to Committee Amendment "A" (H-702) proposed to limit the scope of Committee Amendment "A" to cases of death caused by a private employer's willful violation of a standard adopted by the federal Occupational Safety and Health Administration or by a public employer's willful violation of a standard adopted by the state safety board, provided the private or public employer was cited for the violation.

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LD 399

An Act to Encourage Parental Involvement in Schools

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS NORTON	ONTP	

LD 399 proposed to expand the family and medical leave law to allow a parent to annually use up to 24 hours of the family medical leave available for attending parent-teacher conferences in that parent's child's school. See also LD 1466.

LD 442

An Act to Repeal the Limitation on Certain Income that Maine State Retirement System Retirees May Earn Without Incurring a Reduction in Benefits

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	ONTP	

LD 442 proposed to eliminate the limitation on earnings of Maine State Retirement System retirees who have reached normal retirement age and have returned to service in employment covered by the retirement system as state employees, educators or participating local district employees.

See also similar LDs 1255, 1314 and 1102. LD 1255 was enacted.

LD 461

An Act to Amend the Laws Governing Wage and Benefit Records Kept by Contractors Working on Public Works Projects

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM MAJ ONTP MIN	

LD 461 proposed to require that wage and benefit records of contractors and subcontractors working on a public works project must be filed with the public authority that entered into the contract, as well as being maintained at the job site. It also proposed to require that the record be open at all reasonable hours to the inspection of any aggrieved party or resident of this State.

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LD 489

An Act to Designate Equal Pay Day and to Require the Department of Labor to Report on Progress

PUBLIC 304

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL	OTP-AM	S-188

LD 489 is a concept draft that proposed to address the manner in which the existing state and federal law requiring equal pay for equal work is implemented and enforced.

Committee Amendment "A" (S-188) proposed to replace the bill. It proposed to designate the first Tuesday in April as Equal Pay Day and to require the Department of Labor to annually report the progress made in achieving equal pay to the Legislature's committee on labor.

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Enacted law summary

Public Law 2001, chapter 304 designates the first Tuesday in April as Equal Pay Day and requires the Department of Labor to annually report the progress made in achieving equal pay to the Legislature's committee on labor.

LD 499

An Act to Clarify the Qualifications for Health Care Providers Conducting Employer-requested Examinations

PUBLIC 278

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-111
JACOBS	ONTP MIN	

LD 499 proposed to amend the workers' compensation law relating to a "second opinion" examination, which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

LD 499 proposed to limit employers to one second-opinion examination and to allow active practice to be demonstrated by spending at least 50% of the provider's time treating patients. It also proposed to ensure that employees and their health care providers are informed of information used in the examination and the results of the examination.

Committee Amendment "A" (S-111) proposed to remove from the bill the language limiting employers to a single 2nd opinion and the language prohibiting physicians from relying on information acquired after examination of the patient in preparing the medical opinion. It also proposed to repeal current law allowing a physician, surgeon or chiropractor to conduct a 2nd-opinion examination if that provider discontinued active practice within 2 years of the exam. It proposed to remove the provision requiring 50% of a provider's time to be spent on treating patients and provide that a person may use hospital privileges to demonstrate that the person has an active practice of treating patients only if the privileges are active clinical privileges. Finally, it proposed to require a health care provider conducting a 2nd-opinion examination to give a copy of the results to the employee's health care provider only if the employee requests that it be given to the provider.

Enacted law summary

Public Law 2001, chapter 278 amends the workers' compensation law relating to a "second-opinion examination," which is an examination of an injured worker by a health care provider chosen by the employer, when the employee is otherwise being treated by his or her own health care provider. Current law requires that such an examination be performed by a provider with an active practice of treating patients, or a provider that had an active practice within 2 years of the examination. "Active practice" may be demonstrated by having treating privileges at a hospital.

Public Law 2001, chapter 278 repeals the provision allowing providers who do not have an active practice at the time of the examination to conduct second-opinion examinations and provides that hospital privileges may be used to demonstrate an active practice only if those privileges are active clinical privileges. Chapter 278 also requires the second-opinion provider to inform the employee of all records and communications the provider has available in

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conducting the exam, to advise the employee and the employee's provider of the scope and purpose of the exam, and to provide the same report that the provider sends to the employer to the employee and, if the employee requests, to the employee's health care provider.

LD 511 **An Act to Provide an Opportunity for Minors Under 16 Years of Age to Work in Nonprofit Moving Image Archives** **PUBLIC 43**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ROSEN	OTP-AM	H-35

Under current law, a minor under 16 years of age may not work in any theater or moving picture house. LD 511 proposed to specifically exempt from that prohibition nonprofit moving image archives and nonprofit community theaters.

Committee Amendment "A" (H-35) proposed to remove the language proposing to allow minors under 16 years of age to work in any nonprofit community theater and instead proposes to allow minors under 16 years of age to work in nonprofit educational film archives and theaters associated with those archives.

Enacted law summary

Under current law, a minor under 16 years of age may not work in any theater or moving picture house. Public Law 2001, chapter 43 specifically exempts from that prohibition nonprofit educational film archives and theaters associated with those archives.

LD 513 **An Act to Permit Grievance Mediation by the Panel of Mediators** **PUBLIC 92
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MILLS	OTP-AM	H-120

LD 513 proposed to authorize the Panel of Mediators to attempt to resolve disputes concerning the meaning of public sector collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The bill also proposed to provide that collective bargaining proposals to include grievance mediation as a required step in the grievance resolution process would be a permissive, rather than a mandatory, subject of bargaining.

Committee Amendment "A" (H-120) proposed to add an emergency preamble and emergency clause, a fiscal note and an allocation section to the bill. The allocation would enable the Maine Labor Relations Board to use fees paid by participants in mediation to fund the Panel of Mediators.

Enacted law summary

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Public Law 2001, chapter 92 authorizes the Panel of Mediators to attempt to resolve disputes concerning the meaning of collective bargaining agreements through grievance mediation when the public employer and the bargaining agent agree to use that process. The law also provides that such use of grievance mediation is a permissive, rather than a mandatory, subject of bargaining.

Public Law 2001, chapter 92 was enacted as an emergency measure effective May 8, 2001.

LD 534

An Act to Prohibit the Delay in Provisional Payment of Certain Disability Benefits

PUBLIC 103

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH EDMONDS	OTP-AM	H-109

Current law prohibits employers from delaying or refusing payment of health or disability benefits due an employee because the employee filed a workers' compensation claim based on the same injury or disease. LD 534 proposed to extend that prohibition to 3rd-party insurers.

Committee Amendment "A" (H-109) proposed to rewrite the language of the bill to clarify that provisional payments are required only from insurers under disability and medical insurance policies, not from all 3rd-party insurers. The amendment proposed to prohibit the delay or refusal of provisional payments from a disability or medical insurance policy, regardless of whether the person seeking payment is covered under the employer's policies or those of another person such as a spouse or the spouse's employer.

Enacted law summary

Current law prohibits an employer from delaying or refusing payment of provisional benefits under an insured disability or medical plan on the grounds that the employee has filed a workers' compensation claim for the same injury or disease for which coverage is claimed under the disability or medical plan. This law has been interpreted to apply only when the disability or medical payment policy is held by the employer. Public Law 2001, chapter 103 expands the provision to prohibit any person from delaying or refusing to make provisional payments under a disability or medical insurance policy because of the filing of a workers' compensation claim, regardless of whether the person seeking payment is covered under the policy held by that person's employer or under any other such policy, including policies held by a spouse or the spouse's employer. Provisional payments may be recovered from the employee if it is later determined that workers' compensation coverage applies.

LD 536

An Act to Define and Revise Noncompete Employment Contracts

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRUNO SHOREY		

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LD 536 is a concept draft that proposed to define noncompete employment contracts and to provide reasonable standards for their use.

LD 536 has been carried over to the Second Regular Session.

LD 538 **An Act to Require a Recommendation from a Physician Before
Being Eligible for Disability Benefits** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARRACHE	ONTP	

LD 538 proposed to amend the law relating to disability benefits under the Maine State Retirement System to require that a person receive a written finding of disability from a physician in order to receive disability benefits.

LD 544 **An Act to Eliminate Unnecessary Paperwork for Wage-hour
Compliance** **PUBLIC 336**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL	OTP-AM MAJ	H-114
DAVIS P	ONTP MIN	

LD 544 proposed to exempt automobile body shop technicians and automobile service writers who are paid on an incentive basis rather than an hourly rate from the law requiring payment of time-and-a-half for overtime.

Committee Amendment "A" (H-114) proposed to replace the bill. Instead of adding 2 new categories of workers to the list of employees exempt from the overtime law, the amendment proposed to require the Department of Labor to interpret the current exempt categories in a manner consistent with the exemptions under federal law. Federal law exempts employees with the same title as state law, but the federal interpretation covers more types of employees and may cover at least some of the employees who would have been exempted by the bill.

Enacted law summary

Public Law 2001, chapter 336 requires the Department of Labor to follow federal interpretation of comparable terms when determining whether automobile mechanics, parts clerks and salesmen are exempt from the state law requiring payment of time-and-a-half for overtime hours.

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LD 647

An Act to Expand Parental Control of a Minor Child

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL	ONTP MAJ	
CARPENTER	OTP MIN	

LD 647 proposed to direct the Department of Labor to adopt rules setting forth a process under which minors may be exempted from laws limiting the type of work they may perform and the hours and conditions under which they may work. The exemption would only be effective if the potential employer and the minor's parent, guardian or custodian give permission to the exemption.

LD 663

An Act to Provide Funding for Positions to Provide Computer Services to the Blind

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM MAJ	S-200
NORBERT	ONTP MIN	

LD 663 proposed to require the Division for the Blind and Visually Impaired to fill a vacant position assigned to the Iris Network computer access program.

Committee Amendment "A" (S-200) proposed to provide a \$200,000 appropriation to the Division to support the cost of 3 computer access service positions to blind and visually impaired consumers.

Although LD 663 was not enacted, Part LLL of the "Part II" budget bill, Public Law 2001, chapter 439, appropriates \$67,000 a year for one new computer access specialist position.

LD 670

An Act to Strengthen Maine's Worker Advocate Program

PUBLIC 393

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NUTTING J	OTP-AM MAJ	S-262 NUTTING J
BERRY R	ONTP MIN	

LD 670 proposed to allocate funds for 7 additional positions at the Workers' Compensation Board to provide more resources for the worker advocate program. It also proposed to increase the cap on the annual assessment for the Workers' Compensation Board Administrative Fund by \$300,000. The bill also proposed to require troubleshooters within the workers' compensation system to conduct factual investigations and gather medical records as part of their required attempts to resolve disputes over worker injuries.

Committee Amendment "A" (S-189) proposed to replace the bill with a resolve. Instead of increasing the number of worker advocates and staff at the Workers' Compensation Board, the amendment proposed to reduce the workload of existing advocates by improving board efforts to identify and penalize companies that are misusing and

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overloading the system by unreasonably contesting claims. It proposed to authorize the board to use up to \$40,000 of its reserve account to improve technology for the audit, enforcement and monitoring program. It also proposed to require the board to report to the Joint Standing Committee on Labor its plan for improving implementation of the law that imposes penalties on insurers, self-insurers and 3rd-party administrators who engage in questionable claims-handling practices and in repeated, unreasonable contesting of claims. This amendment was not adopted.

Senate Amendment "B" (S-262) proposed to replace the bill and the committee amendment. It proposed to increase the cap on the Workers' Compensation Board assessment by \$300,000 only for fiscal year 2001-02 and to allocate funds to the Workers' Compensation Board to allow it to contract for services of worker advocates and support staff for the worker advocate program. It also proposed to incorporate the provisions of the committee amendment to allow the board to use \$40,000 from its reserve account to fund technology improvements and to require the board to submit a written plan to improve implementation of the auditing program.

Enacted law summary

Public Law 2001, chapter 393 increases the cap on the Workers' Compensation Board assessment by \$300,000 for fiscal year 2001-02 and allocates funds to the Workers' Compensation Board to allow it to contract for worker advocates and clerical support in the worker advocate program in 2001-2002. It also allows the board to use \$40,000 from its reserve account to fund technology improvements in the auditing, enforcement and monitoring program and requires the board to submit a written plan to improve implementation of that program.

LD 691 **An Act to Allow Unemployment Recipients to Declare Estimated Income for Part-time Work** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAEL	ONTP	

LD 691 proposed to allow a claimant for unemployment compensation to estimate earnings during a claim week, rather than requiring a claimant to produce pay stubs or other proof of earnings, if the claimant has not yet been paid for the work during that claim week.

LD 705 **An Act to Increase the State's Share of Retired Teacher Health Insurance** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS G EDMONDS	OTP-AM	H-366

LD 705 proposed to increase the State's contribution for health insurance for retired educators from 30% to 35% beginning January 1, 2002 and from 35% to 40% beginning January 1, 2003. The bill died on the Appropriations Table, but a percentage increase to 35% beginning 7/1/02 was included in the Part II Budget—Public Law 2001, chapter 439, Part QQ.

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Committee Amendment "A" (H-366) added an appropriation section and a fiscal note to the bill.

See related LDs 211 (referred to the Appropriations Committee) and 1629. LD 1629 was carried over by the Labor Committee.

LD 706 **Resolve, Requiring the Department of Labor, Bureau of Labor Standards to List its Mailing Address and Telephone Number on the Card Used to File for Unemployment** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO SAWYER	ONTP	

LD 706 proposed to direct the Department of Labor to revise the initial unemployment compensation claim form by adding the telephone number and address of the Department.

LD 728 **An Act to Ensure Continued Health Insurance Coverage for the Spouse and Dependents of a Teacher or State Employee who Dies** **PUBLIC 341**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CARR DAVIS P	OTP-AM	H-546

LD 728 proposed to require that all benefits paid on the death of a participating member of the Maine State Retirement System be paid to the surviving spouse of that member. The spouse of a member could waive the payment by filing a waiver with the Board of Trustees of the Maine State Retirement System. If the participating member is not married, then the beneficiary designated by that member would receive the benefits.

Committee Amendment "A" (H-546) replaced the bill and proposed to require that a state employee's spouse or other dependents covered by the state group health plan or a teacher's spouse or dependents covered by a group health insurance plan provided by a school board have an opportunity to continue coverage under the group plan after the death of the state employee or teacher. The spouse or dependent would be responsible for paying the premium for the coverage.

Enacted law summary

Public Law 2001, chapter 341 requires that a state employee's spouse or other dependents covered by the state group health plan or a teacher's spouse or dependents covered by a group health insurance plan provided by a school board have an opportunity to continue coverage under the group plan after the death of the state employee or teacher. The spouse or dependent would be responsible for paying the premium for the coverage.

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LD 747

An Act to Ensure That State Employees Receiving Workers' Compensation and Filling a Limited Period Position Remain in Their Respective Bargaining Units

PUBLIC 427

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
HUTTON	OTP-AM MAJ ONTP MIN	S-328 EDMONDS

LD 747 proposed to amend a 1997 budget bill to clarify the bargaining unit status of a state employee who is placed in a limited period position to enable the person to return to employment following a work-related injury. The bill proposed that the person is a member of the same bargaining unit of which the person was a member prior to the injury.

Committee Amendment "A" (H-547) proposed to add a fiscal note to the bill. This amendment was not adopted.

Senate Amendment "A" (S-328) proposed to replace the bill. Rather than amending the 1997 budget bill, it proposed to add a section to the State Employees Labor Relations Act to describe the status of an employee who is receiving workers' compensation payments from the State and is placed in a limited-period position to enable that person to return to work. The amendment proposed to state that the employee has the same employment and bargaining unit status as before the injury, but that the scope of representation does not include work capacity, rehabilitation and other workers' compensation-related matters, unless such representation is specifically bargained for.

Enacted law summary

Public Law 2001, chapter 427 amends the State Employees Labor Relations Act to describe the status of an employee who is receiving workers' compensation payments from the State and is placed in a limited-period position to enable that person to return to work. Chapter 427 provides that the employee has the same employment and bargaining unit status as before the injury, but that the scope of representation by the bargaining unit representative does not include work capacity, rehabilitation and other workers' compensation-related matters, unless such representation is specifically bargained for.

LD 748

An Act to Lower the Early Withdrawal Penalty on Teacher Retirement to 2 1/2 Percent

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
THOMAS	ONTP	

LD 748 proposed to lower the early retirement reduction for teachers who retire before normal retirement age from 6% to 2 1/2% for each year of early retirement. LD 748 was one of several bills that proposed to restore benefits or compensate state employees and teachers for benefit reductions passed in 1993 affecting the so-called "cliff employees". The others were LDs 890, 1469 1631 and 1211. LD 1211 was carried over by the Labor Committee.

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LD 757

An Act to Amend the Maine Workers' Compensation Act of 1992 as it Relates to Medical Payment Coverage

PUBLIC 235

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SMITH	OTP-AM A	H-173
MARTIN	OTP-AM B	
	ONTP C	

Under current law, agricultural and aquacultural employers are exempt from the provisions of the Maine Workers' Compensation Act of 1992 if, among other things, the employers maintain medical payment coverage of \$1,000. This bill proposed to increase the required medical payment coverage to \$25,000.

Committee Amendment "A" (H-173), the majority report of the committee, proposed to set the minimum medical payment coverage at \$5,000 rather than \$25,000 as proposed in the bill.

Committee Amendment "B" (H-174), a minority report of the committee, proposed to set the minimum medical payment coverage at \$2,500 rather than \$25,000 as proposed in the bill. It also proposed to delete language that appears to require that the minimum liability coverage of \$100,000 per employee be provided in a single employer's liability policy. This change in language would allow an employer to meet the requirement for minimum liability coverage by use of an umbrella insurance policy that includes employer's liability coverage. This amendment was not adopted.

Enacted law summary

Under current law, employers of employees engaged in agriculture or aquaculture are exempt from the provisions of the Maine Workers' Compensation Act of 1992 if, among other things, the employers maintain medical payment coverage of \$1,000. Public Law 2001, chapter 235 increases the required medical payment coverage to \$5,000.

LD 804

An Act to Transfer Health Insurance Eligibility to the Spouse of a Deceased Teacher

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P	ONTP	
CLARK		

LD 804 proposed to allow the surviving spouse of a retired teacher to participate in the group insurance plan and require the State to pay 30% of the share of the costs of the insurance for that surviving spouse. Current law requires the State to pay 30% of the cost of group health insurance for a retired teacher.

LD 728 is a related bill.

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LD 844

An Act to Classify Employer-provided Medical Treatment as a Payment under the Maine Workers' Compensation Act of 1992

PUBLIC 435

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	OTP-AM MAJ	H-244
EDMONDS	ONTP MIN	

LD 844 proposed to state that medical treatment provided by an employee or direct contractor of an employer constitutes a benefit payment by the employer for purposes of determining when an injured employee must file a petition with the Workers' Compensation Board.

Committee Amendment "A" (H-244) proposed to rewrite the language of the bill to make it more specific. It proposed to clarify that an employer has made a payment of benefits with respect to an injury or illness if:

1. The employee is treated by an in-house health care provider;
2. The treatment continues on at least 6 occasions within a year of the first treatment; and
3. The employer or the provider knew or should have known that the injury or illness was work-related.

Classifying this type of treatment as a payment extends the period within which the employee may file a petition for benefits from 2 years from the date of injury to 6 years from the date of the last payment made voluntarily by the employer.

Enacted law summary

Public Law 2001, chapter 435 amends the Workers Compensation Act of 1992 to specify that the provision of medical treatment by an in-house health care provider constitutes the payment of a workers' compensation benefit if the treatment continues on at least 6 occasions within a year of the first treatment and the employer or the provider knew or should have known that the injury or illness was work-related. Classifying this type of treatment as a "payment" extends the period of time within which the employee may file a petition for benefits from 2 years from the date of injury to 6 years from the date of the last treatment or other payment made voluntarily by the employer.

LD 847

An Act to Examine Issues Regarding the Canadian Workforce

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRACY		

LD 847 is a concept draft that proposed to study issues regarding the Canadian workforce and the ability of workers in Maine to effectively compete with the Canadian workforce.

LD 847 has been carried over to the Second Regular Session.

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LD 871

An Act to Clarify Work Search

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BRYANT	ONTP MAJ	
EDMONDS	OTP MIN	

LD 871 proposed to amend the provisions in current law for providing total compensation for workplace injuries to provide that employees who lack the ability to work on a full-time basis in the ordinary competitive labor market in their communities are entitled to be paid benefits for total incapacity under the Maine Revised Statutes, Title 39-A, section 212.

LD 890

An Act to Provide a Reduction in the Early Retirement Penalty for Teachers and State Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BAKER	ONTP	
MICHAUD MH		

LD 890 proposed to provide a reduction in the early retirement reduction for teachers who retire before age 62 from 6% per year to the reduction that was in place before the 1993 amendments—approximately 2 1/8%. LD 890 was one of several bills that proposed to restore benefits or compensate state employees and teachers for benefit reductions passed in 1993 affecting the so-called “cliff employees”. The others were LDs 748, 1469 1631 and 1211. LD 1211 was carried over by the Labor Committee.

LD 911

An Act to Expand the Catch-up Provisions of the Deferred Compensation Plan for State Employees

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KILKELLY	ONTP	

LD 911 proposed to direct the Department of Administrative and Financial Services to reinstate its prior policy to allow participants to maximize contributions under the Section 457 state-deferred compensation plan by permitting catch-up contributions in the 3 years prior to retirement by state employees based on serving the minimum number of years necessary to qualify for an early retirement. The purposes of the bill were attained by administrative action of the department.

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LD 943

An Act to Ensure that the Annual Inflation Adjustment for Partial Compensation for Injuries occurring Prior to November 20, 1987 is Fully Recognized and Paid

PUBLIC 390

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE MILLS	OTP-AM MAJ ONTP MIN	H-616

LD 943 proposed to require the Workers' Compensation Board to audit claims for partial incapacity for workers injured prior to November 20, 1987, to ensure that the annual adjustments required under former Title 39, sections 55 and 55-A have been made.

Committee Amendment "A" (H-616) proposed to replace the bill. Rather than requiring that the Workers' Compensation Board audit insurers to ensure compliance with the law requiring annual adjustment of benefits for injuries prior to November 20, 1987, the amendment clarifies how the adjustment is to be calculated.

Enacted law summary

Workers' compensation benefits payable to employees injured prior to November 20, 1987 must be adjusted for inflation, under the provisions of former Title 39, sections 55 and 55-A. Public Law 2001, chapter 390 clarifies how the adjustment is to be calculated and overturns the decision of the Maine Supreme Judicial Court on this issue in Bernard v. Mead Publishing Paper Division, 2001 ME 15. Chapter 390 requires that the pre-injury wage be adjusted for inflation before being compared to the post-injury wage.

LD 962

Resolve, Establishing a Minimum Pay Grade Increase for State Police Officers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BULL EDMONDS	ONTP	

LD 962 proposed to require that the State, in its negotiations of the successor agreement to the agreement between the State and the Maine State Troopers Association, State Police Unit expiring on June 30, 2001, may not negotiate less than a pay grade increase for all covered employees equivalent to 4 grades from the grade level established by the current agreement.

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LD 971

An Act to Exempt Retired Persons Who Work as Substitute Teachers from Paying into the Maine State Retirement System

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TRAHAN KILKELLY	ONTP	

LD 971 proposed to exempt substitute teachers who receive a pension from the definition of "teacher" under Maine State Retirement System laws. The desired result was that retirees could work as substitute teachers in public schools without having to contribute to the Maine State Retirement System. After discussing the issue with Social Security Administration, Maine State Retirement System and public school officials, the committee determined the bill would not have the desired effect. Any retiree other than a retiree under the retirement system would have to join Social Security. This would result in an additional cost to school units since the State pays the employer share of the MSRS contribution for teachers.

LD 975

An Act to Establish an Exemption to the Exclusivity Provisions of the Maine Workers' Compensation Act of 1992

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GOOLEY DAVIS P	ONTP	

LD 975 proposed to amend the law establishing workers' compensation law as the exclusive remedy for actions involving injury to or death of an employee. This bill proposed to authorize the estate of a utility lineworker to sue the employer if the lineworker was working in an emergency situation to restore power during widespread storm outages and had worked in excess of 24 consecutive hours. This legislation would apply retroactively to December 11, 1999.

LD 976

An Act Concerning Workers' Compensation Health Care Providers

PUBLIC 60

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER PENDLETON	OTP-AM	H-51

LD 976 proposed to add nurse practitioners and physician's assistants to the list of health care providers authorized to provide second opinions under the Maine Workers' Compensation Act of 1992.

Committee Amendment "A" (H-51) proposed to replace the bill. The intent of the sponsor to ensure that nurse practitioners and physician's assistants receive reimbursement from the workers' compensation system for their services is already met by current law. The amendment proposed to correct one section of the workers' compensation law relating to prescribing of drugs to recognize the fact that nurse practitioners as well as physicians are authorized under Maine law to prescribe drugs.

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Enacted law summary

Public Law 2001, chapter 60 amends a medical benefits provision of the Workers' Compensation Act of 1992 to recognize the fact that nurse practitioners as well as physicians are authorized under Maine law to prescribe drugs.

LD 979 **An Act to Require an Additional Labor Representative on the Board of Trustees of the Maine State Retirement System** **ONTP**

<u>Sponsor(s)</u> MUSE C		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 979 proposed to add one member to the Board of Trustees of the Maine State Retirement System, who would be appointed by the governing body of the American Federation of State, County and Municipal Employees and who would be a member of the retirement system through a participating local district.

LD 196, a similar bill, was also reported ONTP by the committee.

LD 981 **An Act to Amend the Laws Governing the Maine Unemployment Insurance Commission** **CARRIED OVER**

<u>Sponsor(s)</u> TUTTLE SAWYER		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 981 proposed to change the membership of the Unemployment Compensation Commission, require the commission to report yearly to the Legislature and require the commission to be located in Augusta. This bill has been carried over to the Second Regular Session.

LD 1015 **An Act Regarding Health Insurance for Firefighters** **CARRIED OVER**

<u>Sponsor(s)</u> TUTTLE		<u>Committee Report</u>		<u>Amendments Adopted</u>
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LD 1015 proposed to make active and retired career municipal firefighters in the State eligible as a class to participate in the state employee health insurance program.

This bill has been carried over to the Second Regular Session of the 120th Legislature so that the Firefighters Advisory Committee may develop better data and funding options.

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LD 1039

An Act to Change the Compensation of the Panel of Mediators

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SULLIVAN LEMONT	ONTP	

LD 1039 proposed to change the compensation for the panel of mediators from \$100 to \$200 for up to 4 hours of mediation services.

LD 1051

Resolve, Directing the Maine State Retirement System to Report on the Establishment of a Universal Special Retirement Plan for Law Enforcement Officers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAVIS P LESSARD	ONTP	

LD 1051 proposed to direct the Maine State Retirement System to report to the Joint Standing Committee on Labor on the establishment a universal special retirement plan for all levels of government law enforcement officers. The committee would have been authorized to introduce related legislation in the Second Regular Session of the 120th Legislature.

LD 1065

An Act to Amend the Membership of the Workers' Compensation Board

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL	ONTP MAJ OTP MIN	

LD 1065 proposed to change the membership of the Workers' Compensation Board by requiring that 2 of the 4 labor representatives on the board must be selected by the Governor from the labor population at large and may not be representatives of any labor organization or association of employees.

LD 1082

An Act to Amend the State's Overtime Law

PUBLIC 401

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PENDLETON MATTHEWS	OTP-AM MAJ ONTP MIN	S-323 PENDLETON

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LD 1082 proposed to prevent a licensed nurse or other health care worker who provides direct care to patients from being disciplined for refusing to accept overtime work.

Committee Amendment "A" (S-114) proposed to rewrite the bill to clarify the circumstances under which a nurse or other health care worker is protected from discipline for refusing to work overtime. The nurse or other health care worker would be protected from discipline if the refusal to work overtime is based on that person's determination, in the exercise of professional judgment, that he or she may not be able to provide quality care to patients during those overtime hours because of fatigue or other factors. This protection would apply even if the person had worked fewer than the limit on overtime hours allowed under the law, but it would not apply when overtime is mandated because of an emergency declared by the Governor or when overtime is necessary to protect public health or safety and is outside the normal course of business. The committee amendment was replaced by Senate Amendment "A" (S-323).

Senate Amendment "A" (S-323) proposed to replace the bill and the committee amendment. It proposed to prohibit an employer from disciplining a nurse for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision would not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

Enacted law summary

Public Law 2001, chapter 401 amends the law limiting mandatory overtime, which prohibits employers from requiring more than 80 hours of overtime in a 2-week period. Chapter 401 provides that, in addition to the 80-hour limit, a nurse may not be disciplined for refusing to work more than 12 consecutive hours, unless an unforeseen emergent circumstance occurs and the overtime is required as a last resort to ensure patient safety. If overtime is required in such a circumstance, the nurse must be given at least 10 consecutive hours off duty immediately following the overtime. This provision does not apply in an emergency declared by the Governor, or when necessary to protect the public health or safety outside the normal course of business.

LD 1086

An Act to Improve Limits on Mandatory Overtime

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ	
HUTTON	ONTP MIN	

LD 1086 proposed to limit the amount of mandatory overtime to 60 hours of overtime in any consecutive 2-week period.

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LD 1102

An Act to Address the Critical Shortage of Teachers and School Administrators in Maine Public Schools

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RICHARD GAGNON	ONTP	

LD 1102 proposed to allow retired teachers, school administrators and other licensed or certified educational employees to return to work for up to 3 years in a school in the capacity in which they are certified or licensed. During that time, they would receive full retirement benefits from the Maine State Retirement System. No additional service credit toward retirement is accrued during that time.

See also similar LDs 1255, 1314 and 442. Ld 1255 was enacted.

LD 1169

An Act to Amend the Requirements of the Workers' Compensation Law

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TURNER FOSTER	ONTP	

LD 1169 proposed to change the method of determining the duration of workers' compensation benefits for partial and total incapacity.

LD 1175

An Act to Require that Benefits for Disability be Continued During a Period of Vocational Rehabilitation under the Workers' Compensation Act

**VETO
SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINEAU	OTP-AM MAJ ONTP MIN	H-365 S-302 EDMONDS

LD 1175 proposed to ensure that an injured worker who is in rehabilitation under the Workers' Compensation Law is presumed to be eligible for total disability benefits for as long as that employee continues in that rehabilitation program.

Committee Amendment "A" (H-365) proposed to limit application of the bill to employees in full-time rehabilitation programs.

Senate Amendment "A" to Committee Amendment "A" (S-302) proposed that an injured employee in full-time rehabilitation is presumptively entitled to partial incapacity benefits.

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LD 1197

An Act to Amend the Limits on Earnable Compensation for State Employee Retirement

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNON RICHARD	ONTP	

LD 1197 proposed to increase the cap on increases in earnable compensation for purposes of determining average final compensation under the Maine State Retirement System law from 10% over the 3 highest years of earnings to 15% over the 3 highest years of earnings. The annual cap of 5% would remain in place.

See also LD 1631 which proposed to exclude certain types of payment increases from application of the caps.

LD 1205

An Act to Improve Enforcement of Wage and Hour, Safety and Other Labor Laws

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS HUTTON	ONTP	

LD 1205 proposed to authorize a representative of a construction labor union to inspect a work site and records relating to the work site to investigate complaints of possible violations of wage and hour, safety or other labor laws.

LD 1211

An Act to Supplement Benefits for State Employees and Teachers whose Pensions are Subject to Reductions Enacted in 1993 **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS		

LD 1211 is a concept draft pursuant to Joint Rule 208. The concept the bill proposed was to create a new defined contribution plan as a supplemental retirement benefit for those state employees and teachers who are subject to benefit reductions enacted in 1993 -- so-called "cliff employees"-- and who are in service under the Maine State Retirement System on or after January 1, 2001.

1. The new plan would not cover:
 - A. A member who was in service and had 10 years of creditable service on July 1, 1993;
 - B. A member covered by the 1998 Special Plan; or

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C. A member covered by the plan for Maine State Police officers.

2. Contributions to the plan would be at the rate of 2% of an employee's salary or wages earned after December 31, 2000. The bill proposed to deduct that amount from the employee's existing required contribution to the Maine State Retirement System but the employee's defined benefits under the Maine State Retirement System would not be diminished.
3. The added cost of maintaining the employee's defined benefits would be allocated to the employer's share of the pension contribution and, for state employees, apportioned across the entire payroll for state employees covered under the Maine State Retirement System whether or not they are covered by the new plan.
4. Amounts contributed to the plan would be managed by or under the direction of the Maine State Retirement System for the benefit of each employee in a nonlapsing fund. Each employee's share of the fund would be tax sheltered and portable as provided in Section 457 and other provisions of the Internal Revenue Code.
5. Each employee's accumulated contributions and net earnings are nonlapsing and could be withdrawn or rolled over in accordance with the Internal Revenue Code when the employee dies, retires or departs from state service. The employee will have a range of annuity options for payment of benefits to the employee or the employee's spouse.

This bill has been carried over to the Second Regular Session of the 120th Legislature so that the MSRS and the committee may more fully explore ways to provide supplemental retirement benefits to “cliff employees”.

LD 1212	An Act to Improve Maine's Unemployment Compensation System for School Bus Drivers	ONTP
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<u>Sponsor(s)</u> LONGLEY	<u>Committee Report</u> ONTP	<u>Amendments Adopted</u>
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LD 1212 proposed to allow school bus drivers who are offered lower-paying jobs by the school district during the summer than what that drivers earn as school bus drivers during the school year to file for unemployment benefits for the difference in pay. See also LD 1537.

LD 1224	An Act to Provide Public Employees Equal Access to Personnel Files	DIED BETWEEN BODIES
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<u>Sponsor(s)</u> HUTTON EDMONDS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-319
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LD 1224 proposed to include public sector employees in the law that requires an employer to provide written reasons for terminating an employee if the employee requests an explanation, that provides an employee access to

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his or her own personnel file, and that provides civil remedies and reimbursement for attorney fees for failure to comply.

LD 1235 **An Act to Speed Up the Decision Process on Workers' Compensation Claims** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BOUCHER	OTP-AM MAJ ONTP MIN	

LD 1235 proposed to impose 7-day deadlines on several steps of the workers' compensation dispute resolution process and to require the Workers' Compensation Board to maintain a staffed telephone number to provide assistance to employees filing claims.

Committee Amendment "A" (H-488) proposed to replace the bill. It proposed to prohibit an employer from requiring an injured employee to undergo more than one 2nd opinion examination unless the additional examination is approved by the employee or a hearing officer. It proposed to provide that the hearing officer may approve the additional examination only if it is needed to provide information on an issue that was not addressed in the first examination and that could not have been addressed in that examination.

LD 1243 **An Act to Reform Maine's Prevailing Wage Law** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS EDMONDS	ONTP	

LD 1243 was a concept draft that proposed to clarify the application and enforcement of laws concerning the wage and benefits required to be paid to workers on public construction jobs, also known as the "prevailing wage."

LD 1244 **An Act to Allow Maine Technical College System Faculty and Administrative Units to Participate in a Defined Contribution Plan** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	ONTP MAJ OTP MIN	

LD 1244 proposed to reopen for approximately 1 year the timeframe for certain employees of the Maine Technical College System to exercise the option to participate in a defined contribution retirement plan in lieu of membership in the Maine State Retirement System under a law passed in 1998.

Joint Standing Committee on Labor

LD 1245 **An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1245 proposed to require the State to pay Medicare Part B premiums for state retirees and retired teachers.

LD 152, a similar bill, was passed in the House but died on the Appropriations Table.

LD 1246 **An Act to Increase the Penalty for a Violation of Certain Occupational Health and Labor Laws** **ONTP**

<u>Sponsor(s)</u> MATTHEWS EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1246 proposed to require the Department of Labor to debar from participation in state contracts for 5 years any person, partnership, corporation or other public or private entity found to have committed a serious, willful violation or serious, repeated violations of a standard under the United States Occupational Safety and Health Act of 1970, the National Labor Relations Act or the federal Fair Labor Standards Act.

LD 1247 **An Act to Increase the Minimum Wage in Maine** **ONTP**

<u>Sponsor(s)</u> MATTHEWS EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1247 proposed to increase the state minimum wage from \$5.15 per hour to \$5.65 per hour beginning October 1, 2001 and to \$6.25 per hour beginning October 1, 2002. See also LD 121 and LD 1591.

LD 1253 **An Act to Require an Annual Benefit Adjustment** **ONTP**

<u>Sponsor(s)</u> MATTHEWS EDMONDS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1253 proposed to require an annual cost-of-living adjustment to workers' compensation benefits.

Joint Standing Committee on Labor

LD 1255

An Act to Expand Retirement Benefits for State Employees and Teachers Returning to Service

PUBLIC 442

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM	H-437 H-483 BUNKER

LD 1255 proposed to repeal the current law that establishes a cap on the earnings of retired members of the Maine State Retirement System who return to work as state employees or teachers. The bill proposed to authorize those retirees to return to covered employment and continue to receive full retirement benefits.

See also similar LDs 442, 1314 and 1102.

Committee Amendment "A" (H-437) replaced the bill. It proposed to repeal the current law that provides for reduction in benefits of retirees under the Maine State Retirement System who return to employment covered by the retirement system if they exceed earning limitations. Under the amendment retirees could return to covered employment and keep both their full pension and their earnings. The amendment also proposed to establish the eligibility of retirees who return to such employment for certain benefits, including membership in the retirement system, participation in other retirement plans of the employer and eligibility for the state employee health insurance program. It also proposed to add a fiscal note to the bill.

House Amendment "B" to Committee Amendment " " (H-483) proposed to repeal an unnecessary provision of law and an obsolete provision of law.

Enacted law summary

Public Law 2001, chapter 442 repeals the current law that provides for reduction in benefits of retirees under the Maine State Retirement System who return to employment covered by the retirement system if they exceed earning limitations. Under chapter 442, retirees may return to covered employment and keep both their full pension and their earnings. The law also establishes the status of retirees who return to covered employment for certain benefits, including membership in the retirement system, participation in other retirement plans of the employer and eligibility for the state employee health insurance program.

LD 1257

An Act to Change the Membership of the Workers' Compensation Board

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MACDOUGALL	ONTP	

LD 1257 proposed to change the composition of the Workers' Compensation Board. It proposed to create a 3-member board, with one member representing management and one representing labor, appointed by the Governor, with the chair selected by agreement of the 2 appointed members.

Joint Standing Committee on Labor

LD 1258

**An Act to Make the Unemployment Insurance Program More
Responsive to the Needs of Today's Workforce**

CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS EDMONDS		

LD 1258 proposed to amend the unemployment compensation laws in 3 ways. It proposed to provide coverage for part-time workers, to prevent a person from being disqualified if the person left a job because of the lack of dependent care or transportation, and repeal a provision that disregards work performed in seasonal industries when determining eligibility for unemployment benefits during the off-season.

Committee Amendment "A" (H-650) proposed to delete all provisions of the bill except those providing eligibility for part-time workers. The amendment proposed to change the part-time worker provisions to state that the circumstances under which a part-time worker is not made ineligible for benefits, notwithstanding the general requirement that persons be able and available for full-time work.

LD 1258 has been carried over to the Second Regular Session.

LD 1276

**An Act to Allow County Corrections Personnel to Participate in the
Same Retirement Plan as Other Corrections Personnel**

**PUBLIC 368
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
WHEELER E DAVIS P	OTP-AM	H-568

LD 1276 proposed to provide the option to county government of providing a special retirement plan for county correctional employees identical to the retirement plans available to county sheriffs and deputy sheriffs.

Committee Amendment "A" (H-568) proposed to make corrections to the bill to carry out the intent of the bill to provide an option to county governments to provide retirement benefits for county correctional employees identical to the retirement benefits available to county sheriffs and deputies.

Enacted law summary

Public Law 2001, chapter 368 provides the option to county government of providing a special retirement plan for county correctional employees identical to the retirement plans available to county sheriffs and deputy sheriffs.

Public Law 2001, chapter 368 was enacted as an emergency measure effective June 8, 2001.

Joint Standing Committee on Labor

LD 1281

**An Act to Amend the Laws Governing the Administration of
Workers' Compensation Hearings**

ONTP

Sponsor(s)
SHOREY
BRUNO

Committee Report
ONTP

Amendments Adopted

LD 1281 proposed to change the administration of workers' compensation hearings by creating the position of chief hearing officer and providing that the chief hearing officer appoints hearing officers whose tenure is limited to 3 years.

LD 1311

**An Act to Amend the Workers' Compensation Laws Regarding
Contracts for Services to Administer Reimbursement Requests**

ONTP

Sponsor(s)

Committee Report
ONTP

Amendments Adopted

LD 1311 proposed to allow the Workers' Compensation Board to delegate administration of the extended benefits reimbursement function of the Employment Rehabilitation Fund to a contracted service provider. The bill also proposed to create an oversight committee to monitor the performance of the entity hired to administer the reimbursement requests. See also LD 1413.

LD 1314

**An Act to Remove the Penalty for Education Retirees Who Work
After Retirement**

ONTP

Sponsor(s)
MITCHELL B
STEDMAN

Committee Report
ONTP

Amendments Adopted

LD 1314 proposed to eliminate for 5 years the reduction in benefits a retired teacher other school employee receives if the retiree returns to covered service under the Maine State Retirement System.

See also similar LDs 442, 1255 and 1102. Ld 1255 was enacted.

Joint Standing Committee on Labor

LD 1326

An Act to Support Continued Operation of the Workers' Compensation Board

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS EDMONDS	ONTP	

LD 1326 proposed to create automatic adjustments to the cap on the Workers' Compensation Board assessment. The cap on the Board's "All Other" budget would increase by an amount equivalent to the inflation factor set by the Revenue Forecasting Committee and the Board's "Personal Services" budget would increase by an amount equal to increases in employee salaries and benefits.

LD 1332

An Act to Improve Retirement Benefits for Marine Patrol Officers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ETNIER GOLDTHWAIT	ONTP	

LD 1332 proposed to remove from the 1998 Special Plan and establish a new special retirement plan for marine patrol officers that provides full retirement benefits after 25 years of service with no minimum retirement age requirement. The special plan would apply to all newly hired marine patrol officers and would be retroactive for current officers.

See similar bills, LDs 1436, 1468 and 1584.

The majority report of the Labor Committee on LD 1584 combined this bill with that LD providing the same special retirement plan for Game Wardens. LD 1584 was folded into the Part II budget bill at the end of the session. The provisions are found in Public Law 2001, chapter 439, Part HHHH. Funding for the special retirement benefits is dependent on the availability of funds in the unappropriated surplus of the General Fund at the end of the current and the next fiscal years.

LD 1335

An Act to Clarify the Employment Status of Owner-operators in the Trucking Industry

PUBLIC 274

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREADWELL SAWYER	OTP-AM	H-363

LD 1335 proposed to exempt from unemployment compensation laws the services of an owner-operator of a truck or truck tractor when the truck or tractor is leased to a motor carrier.

Joint Standing Committee on Labor

Committee Amendment "A" (H-363) proposed to add that an owner-operator is exempt from state unemployment laws only if that owner-operator is not subject to federal unemployment taxes.

Enacted law summary

Public Law 2001, chapter 274 exempts from the unemployment compensation laws services provided by an owner-operator of a truck or truck tractor leased to a motor carrier if the services are not subject to federal unemployment taxes.

LD 1394 **An Act to Prohibit the Use of State Funds by Health Care Providers to Influence Union Organizing** **VETO SUSTAINED**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	OTP-AM MAJ ONTP MIN	H-567

LD 1394 proposed to prohibit health care providers and practitioners from spending state funds or state-administered funds to influence union organizing efforts of their employees.

Committee Amendment "A" (H-567) proposed to replace the bill. It proposed to expand current law prohibiting health care institutions from using Medicaid or Medicare funds to influence unionization to include use of any type of state funds or state-administered funds. It proposed to require the Department of Human Services to make an initial decision regarding the expenditure and to allow submission of the department's decision to an arbitrator before the decision is appealed to court. It proposed to enact a presumption that disallowed expenditures were made if an institution requires attendance at a meeting regarding unionization during the work time of employees whose salaries are paid in whole or in part by state funds. The amount of the disallowed expenditure for the meeting would be a proportion of the cost that is the same as the proportion of state funds to all revenue for the institution.

LD 1395 **An Act to Improve Working Conditions for Migrant Workers** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS	ONTP	

LD 1395 was a concept draft that proposed to create the position of a migrant worker advocate or ombudsman in the Department of Labor.

Joint Standing Committee on Labor

LD 1399

**An Act to Require Reporting of Activities under the Workforce
Investment Act of 1998**

PUBLIC 366

<u>Sponsor(s)</u> MATTHEWS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-634
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LD 1399 proposed to require that at least 1/3 of all federal funds received by the State under the federal Workforce Investment Act of 1998 be used for education and skills training. It further proposed to require that at least 15% of funds be used for support services such as child care and transportation for individuals enrolled in an education or training program. It also proposed to require that the Maine Department of Labor annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998.

Committee Amendment "A" (H-634) proposed to replace the bill. It proposed to delete the provision requiring that a certain portion of federal money be used for training and support services. It also proposed to revise the reporting requirement to provide better information in a more feasible format. The amendment proposed to require the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

Enacted law summary

Public Law 2001, chapter 366 requires the Maine Department of Labor to annually provide the joint standing committee of the Legislature having jurisdiction over labor matters with certain information related to expenditure of funds and program outcomes under the federal Workforce Investment Act of 1998. It requires the Department of Labor to submit an interim report to the Joint Standing Committee on Labor by January 15, 2002.

LD 1413

**An Act to Transfer Administration of Certain Reimbursement
Functions of the Workers' Compensation Employment
Rehabilitation Fund to a Voluntary Coalition of Parties in Interest**

PUBLIC 448

<u>Sponsor(s)</u> MILLS	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> S-309
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LD 1413 proposed to transfer administration of a portion of the Employment Rehabilitation Fund from the Workers' Compensation Board to a 5-member Supplemental Benefits Oversight Committee. The Oversight Committee would administer the function of reimbursing insurers and self-insurers for payments they made to injured employees as a result of (1) the law extending the duration of benefit payments for partial incapacity, section 213, subsection 3 of the Workers' Compensation Act of 1992; and (2) the law that entitles persons with a disability of less than 15% but more than the threshold amount (currently 11.8%) to benefits for the duration of the disability, pursuant to section 213, subsection 4 of the Act. The Fund is funded by an assessment on insurers and self-insurers.

Committee Amendment "A" (S-309) proposed to divide the Employment Rehabilitation Fund into 2 separate funds, change the membership of the 5-person board, clarify several matters relating to the board and its members,

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specify how the reimbursement process will operate, and clarify the assessment process. The amendment also proposed to require the Oversight Committee to submit a report to the Joint Standing Committee on Labor by February 1, 2002 discussing implementation of the law and making any necessary recommendations for improvements. The Joint Standing Committee on Labor would be authorized to report out legislation to the Second Regular Session in response to the report.

Enacted law summary

Public Law 2001, chapter 448 transfers responsibility for reimbursing insurers and self-insurers for benefit extension payments from the Employment Rehabilitation Fund to a new fund called the "Supplemental Benefits Fund." The Supplemental Benefits Fund is funded by an assessment on insurers and self-insurers and is administered by the Supplemental Benefits Oversight Committee, a 5-member board appointed by the Governor. The Committee may delegate day-to-day administration of the Fund, and committee powers regarding reimbursement requests and assessments, to a service agent. The Committee, the Fund and the service agent do not participate in Workers' Compensation Board proceedings that determine the level or duration of benefits payable to an employee. The Committee and the service agent determine only whether insurers and self-insurers are eligible for reimbursement from the Fund for payments they made as a result of (1) the increase in the duration limit on partial incapacity benefits for injuries between January 1, 1993 and December 31, 1997; and (2) the lowering of the threshold for lifetime benefits from 15% to 11.8% for injuries between January 1, 1993 and December 31, 1999. Payments for injuries after those dates are not reimbursable from the Fund.

LD 1436

**An Act to Provide Equity in the Retirement Plans for State Law
Enforcement Officers and Prison Guards**

ONTP

Sponsor(s)
DUNLAP

Committee Report
ONTP

Amendments Adopted

LD 1436 proposed to establish a special retirement plan for game wardens, marine patrol officers, prison guards and certain other correctional employees. As proposed, the plan would offer retirement with full benefits after 25 years of service with no minimum retirement age requirement. The plan would apply to all newly hired employees in the named categories and would be retroactive to the date of hire for game wardens, marine patrol officers and Maine State Prison guards. For prison guards at other correctional facilities and for certain other state correctional employees, it would be retroactive to January 1, 2000 when those employees were first eligible for special retirement benefits under the 1998 special retirement plan. The bill also proposed to remove the named categories of employees from the 1998 special retirement plan.

See similar bills, LDs 1332, 1468 and 1584.

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LD 1461 **An Act to Revise the Health Insurance Benefits Available to Retired Legislators** **INDEF PP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BUCK	OTP	S-196 EDMONDS
GAGNON		

LD 1461 proposed to provide that if a Legislator covered by the state-paid group health insurance plan terminated legislative service with at least 8 years of creditable service in the Maine Legislative Retirement System but did not retire at that time, the Legislator could elected to continue coverage under the group plan by paying the premium until retiring. Whether or not the Legislator exercised the option, that Legislator could elect at retirement to rejoin the group plan and to have the State pay the health insurance premiums.

LD 1465 **An Act to Provide a Death Benefit to the Survivors of a Law Enforcement Officer, Firefighter or Emergency Medical Services Person Killed in the Line of Duty** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
ANDREWS	OTP-AM	H-384
SMALL		

LD 1465 proposed to grant a \$50,000 death benefit to the survivors of a law enforcement officer or firefighter killed in the line of duty.

Committee Amendment "A" (H-384) proposed to grant the death benefit to the survivors of emergency medical services persons killed in the line of duty as well as to survivors of law enforcement officers and firefighters. The amendment also proposed to pay the benefit from the State Contingent Account. The substance of LD 1465, as amended by Committee Amendment "A", was included as Part CCCCC of the "Part II" budget bill, Public Law 2001, chapter 439. The benefit would be paid from the Maine Rainy Day Fund rather than from the State Contingent Account as proposed in the committee amendment.

LD 1466 **Resolve, to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families** **DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
NORBERT	OTP-AM MAJ	H-245
EDMONDS	ONTP MIN	

LD 1466 proposed to establish a study commission to study the benefits and costs of providing family and medical leave benefits to families in the State. This Resolve was replaced by a Joint Order, HP1386, which is summarized at the end of this document.

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LD 1468

An Act to Change the Retirement Plan for Marine Patrol Officers

ONTP

Sponsor(s)
POVICH

Committee Report
ONTP

Amendments Adopted

LD 1468 proposed to remove marine patrol officers from the 1998 Special Retirement Plan and establish a new special retirement plan for those officers that would provide full retirement benefits after attaining 55 years of age and 25 years of service. As proposed, the special plan would apply to all newly hired marine patrol officers and would be retroactive for current officers.

See similar bills, LDs 1332, 1436 and 1584.

LD 1469

An Act to Restore Teacher and State Employee Retirement Benefits

ONTP

Sponsor(s)
GREEN

Committee Report
ONTP

Amendments Adopted

LD 1469 proposed to restore teacher and state employee retirement benefits that were reduced for employees who had less than 10 years of creditable service on July 1, 1993 so that the same benefits would be available to all teachers and state employees when they retire. Specifically, the bill proposed to do the following:

1. Revive the ability to use up to 30 days of unused sick or vacation time in calculating earnable compensation;
2. Eliminate the delay of cost-of-living adjustments to early retirees until attainment of normal retirement age;
3. Reestablish the normal retirement age at 60 years of age; and
4. Restore the reduction for early retirement to the pre-1993 level.

LD 1479

An Act to Allow Flexibility in Payment of School Year Employee Wages

PUBLIC 156

Sponsor(s)
WESTON
MITCHELL B

Committee Report
OTP-AM

Amendments Adopted
H-170

LD 1479 proposed to amend current law to allow school year employees to receive their pay over a period of either 10 or 12 months, as determined by a written agreement between the employees and the school administrative unit.

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Committee Amendment "A" (H-170) proposed to allow payment to a school year employee to be spread out over any period up to 12 months, as provided in a written agreement between employees and the school administrative unit.

Enacted law summary

Public Law 2001, chapter 156 allows school administrative units to spread payments to school year employees over any period up to 12 months, as provided in a written agreement between employees and the school administrative unit.

LD 1509

An Act to Clarify and Make Technical Corrections to Retirement Laws

PUBLIC 118

Sponsor(s)
DOUGLASS
MATTHEWS

Committee Report
OTP

Amendments Adopted

LD 1509 proposed to make technical corrections and clarifications in the laws governing the Maine State Retirement System. It proposed to correct cross references and insert inadvertently omitted language relating to normal retirement age, various reduced retirement benefit elections and death before service retirement.

Enacted law summary

Public Law 2001, chapter 118 makes technical corrections and clarifications in the laws governing the Maine State Retirement System. It corrects cross references and inserts inadvertently omitted language relating to normal retirement age, various reduced retirement benefit elections and death before service retirement.

LD 1527

An Act to Provide Parity of Representation in Workers' Compensation Claims

**DIED BETWEEN
BODIES**

Sponsor(s)
HUTTON
EDMONDS

Committee Report
OTP-AM MAJ
ONTP MIN

Amendments Adopted

LD 1527 proposed to require an employer to pay attorney's fees for an employee in a workers' compensation case if the employee prevails in the action and the employer was represented by an attorney. If the employer was not represented by an attorney, the employee would not be entitled to attorney's fees.

Committee Amendment "A" (H-524) proposed to replace the bill. It proposed to require a hearing officer to order an employer to pay reasonable attorney's fees and expenses incurred by the employee if the hearing officer found that the employer's refusal to pay benefits was not based on any rational grounds.

Joint Standing Committee on Labor

LD 1537

An Act to Increase Access to Unemployment Compensation for School Bus Drivers

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BENNETT	OTP-AM MAJ	
COLWELL	ONTP MIN	

LD 1537 proposed to repeal the provision in unemployment compensation law that makes school bus drivers employed by educational institutions or education service agencies ineligible for unemployment benefits when they are laid off between 2 successive academic years.

LD 1541

An Act to Fund the Workers' Compensation Advocate Program

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
TREAT	ONTP	

LD 1541 proposed to allocate funds for an additional 10 positions to the Workers' Compensation Board to provide more resources for the worker advocate program. It also proposed to increase the cap on the annual assessment for the Workers' Compensation Board Administrative Fund from \$6.735 million to \$7.735 million. The bill also proposed to specify that advocates must be hired as necessary to maintain an active caseload of no more than 100 cases per advocate.

LD 1566

An Act to Improve Pension Benefits for Employees in the Department of Environmental Protection

PUBLIC 409

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE	OTP-AM MAJ	H-619
EDMONDS	ONTP MIN	

LD 1566 proposed to open membership in the 1998 Special Retirement Plan to emergency and hazardous response workers at DEP who participate in a standby work rotation. The 1998 Special Plan offers full retirement benefits at age 55 or early retirement with a benefit reduction after 25 years of service. The bill also proposed to help fund the cost of adding oil and hazardous waste materials workers to the 1998 special plan by allocating 0.25¢ per barrel of the 3¢ per barrel of oil received by the Maine Coastal and Inland Service Oil Clean-up fund to the Maine State Retirement System.

Committee Amendment "A" (H-619) proposed to make the following changes in the bill:

1. To clarify which employees are covered by provisions of the bill;
2. To retroactively extend benefits for covered employees under the 1998 special retirement plan to the date of hire for all the employees' service in covered positions;

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3. To add an allocation section that allocates funds on a prorated basis from special revenue accounts to fund the costs of the bill based on the number of employees funded under each fund; and
4. To add a fiscal note to the bill.

See related LDs 1583 and 1789. Public Law 2001, c. 471, section E-9, the Errors Bill, clarified the funding of this bill.

Enacted law summary

Public Law 2001, chapter 409 provides membership in the 1998 Special Retirement Plan for emergency and hazardous response workers at DEP who participate in a standby work rotation. The 1998 Special Plan offers full retirement benefits at age 55 or early retirement with a benefit reduction after 25 years of service. Chapter 409 covers all new employees in the designated categories and current employees retroactive to their date of hire. Funding for the bill is allocated among the 4 hazardous waste funds within the department; no General Funds are used.

LD 1583

An Act to Provide Pension Equity for Mental Health Workers

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT DUPLESSIE	OTP-AM	S-249

LD 1583 proposed to open the 1998 Special Plan to mental health workers in the Department of Mental Health, Mental Retardation and Substance Abuse Services. Under that existing plan a member would qualify for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service

Committee Amendment "A" (S-249) proposed to clarify the definition of "employees covered," the calculation of benefits and the employee contribution required under the 1998 Special Retirement Plan. The amendment also proposed to correct cross-references and add an appropriation section, allocation sections and a fiscal note to the bill.

The bill was adopted in the House but died on the Appropriations Table.

See related bills LDs 1566 and 1789

Joint Standing Committee on Labor

LD 1584

An Act to Change the Retirement Eligibility Requirement for Game Wardens and Marine Patrol Officers

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH	OTP-AM MAJ	S-257
COLWELL	OTP-AM MIN	

LD 1584 proposed to establish a new special retirement plan for fish and wildlife game wardens that provides full retirement benefits after 25 years of service with no minimum retirement age requirement. The special plan would apply to all newly hired game wardens and would be retroactive for current wardens. The bill also proposed to remove game wardens from the 1998 Special Retirement Plan.

See similar bills, LDs 1332, 1436 and 1468.

Committee Amendment "A" (S-257) was the majority report of the Joint Standing Committee on Labor. It proposed to add coverage for the category of marine patrol officers under the special retirement provisions for game wardens contained in the bill. Under the amendment, game wardens and marine patrol officers would be removed from the 1998 Special Plan and provided with a retirement plan that offers full retirement benefits after 25 years of service with no minimum retirement age requirement. The new plan would apply to newly hired game wardens and marine patrol officers and would be retroactive for current game wardens and marine patrol officers hired after 1984. The amendment also proposed to make technical corrections in the bill and to provide for full actuarial funding of the bill from the unappropriated surplus of the General Fund. Finally, the amendment proposed to add an emergency preamble and clause and effective date and a fiscal note to the bill.

Committee Amendment "B" (S-258) which was not adopted was the minority report of the committee. It proposed to retain the special retirement plan for Department of Inland Fisheries and Wildlife game wardens and Department of Marine Resources marine patrol officers established prospectively in 1998 and extend coverage under the special plan retroactively to date of hire for currently employed game wardens who were hired on or after September 1, 1984. Employees covered by the 1998 special plan would be able to retire with full benefits at age 55 if they have 10 years of service or to retire before age 55 with a benefit reduction if they have at least 25 years of service. Game wardens or marine patrol officers hired before September 1, 1984 would not be affected by this amendment; they may retire at any age after 20 years of service. The amendment also proposed to provide for return of contributions plus interest to game wardens and marine patrol officers who previously participated in an option to self-fund a special retirement benefit similar to that provided by this amendment. The amendment also proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The bill as amended by the majority committee amendment died on the Appropriations Table but was included in the Part II Budget, Public Law 2001, chapter 439, Part GGGG.

Joint Standing Committee on Labor

LD 1585

**An Act to Restore a Workers' Compensation Hearing Officer
Position in Aroostook County**

P & S 24

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN SMITH	OTP	S-150

LD 1585 proposed to require the Workers' Compensation Board to permanently assign a full-time administrative hearing officer to the Caribou office no later than 30 days after the effective date of the bill and to implement the assignment within existing budgeted resources.

Committee Amendment "A" (S-150) proposed to remove the emergency preamble and the emergency clause from the bill.

Enacted law summary

Private and Special Law 2001, chapter 24 requires the Workers' Compensation Board to permanently assign a full-time administrative hearing officer to the Caribou office no later than 30 days after the effective date of the bill and to implement this assignment within existing budgeted resources.

LD 1591

An Act to Raise the Minimum Wage

PUBLIC 297

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL	OTP-AM MAJ ONTP MIN	S-63

LD 1591 proposed to raise the minimum wage from \$5.15 per hour to \$5.65 per hour starting January 1, 2002 and \$6.15 per hour starting January 1, 2003. It proposed to provide an income tax credit for an employer who employs fewer than 15 employees equal to the lesser of 20% of health benefits paid under a health benefit plan or \$125 per employee with health benefits coverage.

It also proposed to increase the earned income credit to 10% of the federal earned income credit for the tax year that begins on January 1, 2002 and 15% of the federal earned income credit for tax years that begin on or after January 1, 2003.

Committee Amendment "A" (S-63) proposed to increase the state minimum wage from \$5.15 per hour to \$5.75 per hour beginning January 1, 2002 and to \$6.25 per hour beginning January 1, 2003. The amendment also proposed to retain language in current law providing that the state minimum wage increases to conform to any increases in the federal minimum wage, up to a maximum of \$1.00 per hour above the specified state minimum. It proposed to delete the section of the bill providing a tax credit for employers who provide health benefits and the section that increased the earned income credit.

Enacted law summary

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Public Law 2001, chapter 297 increases the state minimum wage from \$5.15 per hour to \$5.75 per hour beginning January 1, 2002 and to \$6.25 per hour beginning January 1, 2003. The amendment also retains language in current law providing that the state minimum wage increases to conform to any increases in the federal minimum wage, up to a maximum of \$1.00 per hour above the specified state minimum.

LD 1594

**An Act to Provide Disclosure and Financial Protections to
Temporary Workers**

CARRIED OVER

Sponsor(s)
TREAT
DUPLESSIE

Committee Report

Amendments Adopted

LD 1594 proposed to regulate the practices of temporary services companies and to require that such companies fully disclose wages, charges, work hours and other conditions prior to assigning temporary workers to a job. It also proposed to require an employer to pay a temporary worker the same compensation and benefits as it pays its own employees if the temporary worker has worked for that employer for at least 90 days.

LD 1594 has been carried over to the Second Regular Session.

LD 1610

**An Act to Clarify the Legal Status of Employees of the Governor
Baxter School for the Deaf**

**PUBLIC 239
EMERGENCY**

Sponsor(s)
WATSON

Committee Report
OTP-AM

Amendments Adopted
H-364

LD 1610 proposed to clarify several of the transition provisions applicable to employees of the Governor Baxter School for the Deaf, which became an independent state agency pursuant to Public Law 1999, chapter 775. The bill proposed to provide that employees who were hired after the effective date of that law have the same rights and benefits as employees hired before, except for seniority rights in executive branch agencies. The bill proposed to provide that employees hired before and after the change in the school's status are eligible to participate in the state employee health plan and the regular state employee plan of the Maine State Retirement System.

It proposed to provide that collective bargaining agreements between the State and bargaining agents for bargaining units in state employment do not cover comparable bargaining units at the Governor Baxter School for the Deaf. However, the agreements between the State and the bargaining agents in effect at the time of the school's status change and successor agreements are evidence of the status quo at the school, which must be maintained until changed in accordance with applicable labor law principles. LD 1610 also proposed to provide that Governor Baxter School for the Deaf employees are eligible to participate in the state employee health plan and the state employee plan of the Maine State Retirement System unless a binding agreement signed by both the employee or employee representative and the school board of the Governor Baxter School for the Deaf otherwise provides.

Committee Amendment "A" (H-364) proposed to clarify when the health insurance and retirement status of employees of the Governor Baxter School for the Deaf may be changed.

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Enacted law summary

Public Law 2001, chapter 239 clarifies several of the transition provisions applicable to employees of the Governor Baxter School for the Deaf, which became an independent state agency pursuant to Public Law 1999, chapter 775. It provides that all employees are eligible to participate in the state employee health plan and the regular state employee retirement plan, whenever hired, and that employees hired after the status of the school changed have the same rights and benefits as those hired before, except for seniority rights in executive branch agencies. It provides that state employee collective bargaining agreements do not apply to employees at the school, but that agreements between the school and the bargaining units in effect before the change in status of the school are evidence of the status quo at the school. It also provides that the retirement and health benefits may only be changed by a collective bargaining agreement or otherwise as consistent with applicable law, and that any removal from the state employee retirement plan may be made only after consultation with the Executive Director of the Maine State Retirement System.

Public Law 2001, chapter 239 was enacted as an emergency measure effective May 22, 2001.

LD 1629 An Act to Increase the State Share of Health Insurance for Certain Retired Teachers CARRIED OVER

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MICHAUD MH SAXL		

LD 1629 proposed to increase the share of retired teachers' health insurance paid by the State from the current amount of 30% to an amount up to 50%, based on the household income of the retired teacher.

See related LDs 211 (referred to the Appropriations Committee) and 705 which died on the Appropriations Table but the substance of which was incorporated into the Part II Budget (Public Law 2001, chapter 439, Part QQ).

LD 1629 has been carried over to the Second Regular Session of the 120th so that the sponsor may attempt to identify the best method to provide assistance with their health insurance to retired teachers who are in need.

LD 1631 An Act to Provide Exemptions from the 5% cap on Earnable Compensation for Retirement Purposes ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SHOREY	ONTP	

LD 1631 proposed to exclude pay increases resulting from the following for purposes of determining earnable compensation under the Maine State Retirement System law:

1. Collectively bargained agreements pursuant to Title 26, chapters 9-A, 9-B and 12;

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2. Job promotions;
3. Position reclassifications; and
4. Position reallocations.

See also LD 1197 which proposed to increase the 3 year cap on earnable compensation.

LD 1642 **An Act to Provide for the Continuous Coverage of Disability Benefits** **ONTP**

<u>Sponsor(s)</u> MATTHEWS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 1642 proposed to require that partially incapacitated employees receive workers' compensation benefits for the duration of the incapacity, rather than having a limit on the number of months of payments.

LD 1697 **An Act to Enhance the Safety and Health of Students in Public School Facilities** **PUBLIC 397**

<u>Sponsor(s)</u> GERZOFSKY EDMONDS		<u>Committee Report</u> OTP-AM		<u>Amendments Adopted</u> H-626
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LD 1697 proposed to include students in the definition of "employee" under the occupational safety and health laws to allow the Department of Labor, Bureau of Labor Standards to consider the safety and health of students when conducting enforcement inspections in public sector educational facilities.

Committee Amendment "A" (H-626) proposed to replace the bill. It proposed to require the Board of Occupational Safety and Health to adopt rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment.

Enacted law summary

Public Law 2001, chapter 397 requires the Board of Occupational Safety and Health to adopt major substantive rules to regulate the use of and exposure to equipment or materials and the exposure to conditions in public educational facilities that minors would be prohibited from using or being exposed to in a work environment. Chapter 397 allows the Department of Labor to provide technical assistance to school boards and other governing boards of educational institutions to assist them in complying with the rules.

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LD 1708

An Act to Streamline the Administration and Enforcement of the Work Permit Provisions of Child Labor Laws and to Enhance the Use of the Occupational Safety Loan Fund

PUBLIC 398

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS	OTP-AM	S-295

LD 1708 proposed to amend the laws relating to work permits for minors. It proposed to clarify that a work permit is effective when approved and issued by the Department of Labor, Bureau of Labor Standards. It also proposed to clarify that the permit is in force only for the specific employer listed on the permit. Finally, the bill proposed to allow the Bureau of Labor Standards to adopt an electronic transmittal system to speed up the work permit process.

Committee Amendment "A" (S-295) proposed to add language allowing the Department of Labor to use the Occupational Safety Loan Fund to provide grants for services that would improve employers' workplace safety and health performance. The amount would be limited to the income to the Fund from interest payments and investments in the previous fiscal year.

Enacted law summary

Public Law 2001, chapter 398 makes several changes in the law regarding work permits for minors. It clarifies that a work permit is effective when approved and issued by the Department of Labor, Bureau of Labor Standards and clarifies that the permit is in force only for the specific employer listed on the permit. Chapter 398 allows the Bureau of Labor Standards to adopt an electronic transmittal system to speed up the work permit process.

Chapter 398 also allows the Department of Labor to use the Occupational Safety Loan Fund to provide grants for services that would improve employers' workplace safety and health performance. The amount would be limited to the income to the fund from interest payments and investments in the previous fiscal year.

LD 1719

An Act Regarding Dismissal of Municipal Employees for Cause

**DIED BETWEEN
BODIES**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DOUGLASS	OTP-AM MAJ ONTP MIN	

LD 1719 proposed that all municipal employees be subject to termination only for cause and after notice and hearing. Under current law, as interpreted by the Maine Law Court in Farley v. Washburn, 704 A.2d 347 (1997), only municipal officials and employees whose appointment is required by general law, charter or ordinance, or who are appointed by the town manager, are removable for cause after notice and hearing. All other employees are "at-will" employees.

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LD 1720 **Resolve, to Create the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired** **DIED ON ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
O'GARA	OTP-AM MAJ	S-283
MAYO	ONTF MIN	

LD 1720 proposed to establish the Advisory Commission for Persons Who are Blind or Visually Impaired to provide advice to the Commissioner of Labor regarding education and rehabilitation, vocational and quality-of-life programs and services for persons who are blind or visually impaired.

Committee Amendment "A" (S-283) proposed to replace the bill. It proposed to change the bill to a resolve creating the Commission to Study the Administrative Structure for Providing Services to the Blind and Visually Impaired. The Commission would be charged with examining the advantages and disadvantages of the current administrative structure and alternatives to the current structure. The Commission would also make a recommendation on the most effective administrative structure for providing services to the blind and visually impaired in Maine.

LD 1746 **An Act to Amend the Workers' Compensation Laws to Provide for a Rebuttable Presumption of Eligibility for Benefits for Hepatitis or Hepatic Disease for Firefighters and Emergency Medical Services Personnel** **CARRIED OVER**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DUPLESSIE		

LD 1746 is a concept draft that proposed to provide a rebuttable presumption of eligibility for workers' compensation benefits for hepatitis or hepatic-related diseases for firefighters and emergency medical services personnel who have been active members of a municipal fire department or a volunteer firefighters' association for at least 2 years prior to the onset of the disease.

LD 1746 has been carried over to the Second Regular Session.

LD 1753 **An Act Regarding the Treatment of American Indian Tribes Under the Federal Unemployment Tax Act** **PUBLIC 381**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
EDMONDS MATTHEWS	OTP-AM	S-259

The "Consolidated Appropriations Act, 2001," P.L. 106-554, amended federal law to allow Indian tribes to exercise the same election provided to state and local governments and nonprofit organizations with regard to the Federal

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Unemployment Tax Act (FUTA). Under the Consolidated Appropriations Act, services performed in the employ of American Indian tribes are no longer subject to FUTA and must now be covered under state unemployment laws. Currently, Maine law covers these services for unemployment insurance purposes. However, Indian tribes are only permitted to meet their unemployment insurance obligations by payment of a contribution to the Unemployment Compensation Fund. LD 1753 proposed to offer Indian tribes the choice of paying those obligations as direct reimbursement employers as part of the Federal-State Unemployment Compensation Program, similar to municipalities.

Committee Amendment "A" (S-259) proposed to clarify that the law granting the option to become a direct reimbursement employer for unemployment compensation purposes applies to Maine Indian tribes to the extent permitted by federal law. It also proposed to clarify that benefit payments to unemployed individuals are not withheld if the employing Indian tribe fails to make unemployment contributions or reimbursement payments in lieu of contributions.

Enacted law summary

Public Law 2001, chapter 381 provides to Maine Indian tribes the same option that state and local governments have under federal law to provide unemployment compensation benefits to their employees as direct reimbursement employers rather than by regularly paying contributions to the state Unemployment Compensation Fund.

LD 1754

An Act to Amend the Laws of the Maine State Retirement System

**PUBLIC 181
EMERGENCY**

Sponsor(s)
EDMONDS
TREADWELL

Committee Report
OTP-AM

Amendments Adopted
S-113

LD 1754 proposed to make several technical and clarifying changes to the laws governing the Maine State Retirement System.

Committee Amendment "A" (S-113) proposed to delete the sections from the bill that establish the Maine State Retirement System as a single retirement plan for financial reporting and administration purposes and to add a fiscal note to the bill.

Enacted law summary

Public Law 2001, chapter 181 makes the following changes in the laws governing the Maine State Retirement System.

1. It replaces the current 10-day period for swearing in a newly appointed or reappointed trustee of the Maine Legislative Retirement System, Maine Judicial Retirement System and the Maine State Retirement System with the 30-day period generally provided by law for the swearing of similar appointees.
2. It establishes the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the statutes governing the Maine State Retirement System.

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3. It establishes standards for the determination by the Board of Trustees of the Maine State Retirement System and the system's actuary that a study of plan experience is necessary for the actuarial soundness or prudent administration of the system's plans, replacing the current fixed 3-year study requirement for the state employee and teacher plan and establishing a standard for studies of plan experience under the system's other plans.
4. It allows service credit in order to qualify for a service retirement benefit under a special plan to a state employee, teacher member or participating local district member interrupting employment for any service in the Armed Forces, removing the current limitation to service during a federally recognized period of conflict as defined by federal law. The federal Uniformed Services Employment and Reemployment Rights Act now mandates that all service in the Armed Forces be recognized under these circumstances by the Maine State Retirement System.
5. It articulates the longstanding policy of the Maine State Retirement System to allow state police officers covered under the post-1984 state police special plan service credit for purchased service in the Armed Forces.

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6. It establishes the conditions under which a participating local district that has withdrawn from the Maine State Retirement System may satisfy its liabilities for benefits in order to receive back from the retirement system district assets remaining after liabilities are satisfied and authorizes the retirement system to pay over such assets.

Public Law 2001, chapter 181 was enacted as an emergency measure effective May 16, 2001.

LD 1763

An Act to Transfer Funds from the Department of Labor for a Full-time Hearing Officer for the Workers' Compensation Board

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MARTIN MICHAUD ME	ONTP	

LD 1763 proposed to transfer federal funds for one Hearing Officer position in the Department of Labor to the Workers' Compensation Board in fiscal years 2001-02 and 2002-03.

LD 1789

An Act Regarding the Length of Service for Retirement Benefits for Certain State Employees

**DIED ON
ADJOURNMENT**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MATTHEWS MICHAUD MH	OTP-AM MAJ ONTP MIN	H-615

Part A of this bill proposed to open the 1998 Special Retirement Plan to security officers employed by Capitol Security in the Department of Public Safety and special investigators in the Attorney General's office. Under that existing plan a member qualifies for a service retirement benefit if that worker is at least 55 years of age and has completed at least 10 years of creditable service in a covered capacity. A reduced retirement benefit is available before age 55 if the member has completed at least 25 years of creditable service.

Part B proposed to increase the cap on increases in earnable compensation for purposes of determining average final compensation under the Maine State Retirement System law from 10% over the 3 highest years of earnings to 15% over the 3 highest years of earnings. The annual cap of 5% would remain in place.

Committee Amendment "A" (H-615) proposed to provide retirement benefits under the 1998 special plan for motor vehicle investigators employed by the Department of the Secretary of State, Bureau of Motor Vehicles. The amendment also proposed to eliminate the increase in the 3-year cap on earnable compensation contained in Part B of the bill. Finally, it proposed to add an appropriation section, an allocation section and a fiscal note to the bill.

The bill was adopted in the House but died on the Appropriations Table.

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See related LDs 1566 and 1583.

HP 1386

JOINT ORDER – Relative to the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families

PASSED

Sponsor(s)

Committee Report

Amendments Adopted

Enacted law summary

HP1386 creates the Committee to Study the Benefits and Costs for Increasing Access to Family and Medical Leave for Maine Families. The 15-member committee is directed to examine current availability of paid family and medical leave, the impact on employers, employees and families of providing paid leave, the impact on public health costs and other state-funded programs, and options for providing paid family and medical leave. This Joint Resolution replaces LD 1466.

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